

**23852. Misbranding of tankage. U. S. v. The Wuichet Fertilizer Co. Plea of guilty. Fine, \$10. (F. & D. no. 31484. Sample no. 19178-A.)**

This case was based on an interstate shipment of tankage, which contained less protein than declared on the label.

On November 5, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wuichet Fertilizer Co., a corporation, Dayton, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about January 1, 1933, from the State of Ohio into the State of Indiana, of a quantity of tankage which was misbranded. The article was labeled in part: "60% Protein Tankage Manufactured by The Wuichet Fertilizer Company Dayton, Ohio Guaranteed Analysis Crude Protein, not less than 60.0%."

The article was alleged to be misbranded in that the statements, "60% Protein Tankage \* \* \* Guaranteed Analysis Crude Protein, not less than 60.0%", borne on the tag, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it contained less than 60 percent of crude protein.

On November 5, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23853. Misbranding of mayonnaise. U. S. v. Alvin A. Baumer (Baumer's Food Products Co.). Plea of guilty. Fine, \$100. (F. & D. no. 31492. Sample no. 35544-A.)**

This case was based on an interstate shipment of mayonnaise that contained added water and gum, substances which are not normal ingredients of mayonnaise.

On March 19, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alvin A. Baumer, trading as Baumer's Food Products Co., New Orleans, La., alleging shipment by said defendant on or about September 23, 1932, from the State of Louisiana into the State of Mississippi, of a quantity of mayonnaise which was adulterated and misbranded. The article was labeled in part: (Jar) "Crystal Brand Mayonnaise Made From Vinegar, Egg Yolk, Vegetable Oil, etc. Baumer's Food Products Co. New Orleans, La."

The article was alleged to be adulterated in that added substances, water and gum, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and had been substituted in part for the article. Adulteration was alleged for the further reason that the article had been mixed with water and gum in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Mayonnaise Made From Vinegar, Egg Yolk, Vegetable Oil, etc.", borne on the jar label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchasers, since the said statement represented that the article was mayonnaise made from vinegar, egg yolk, vegetable oil, and other ingredients only which constitute mayonnaise, whereas it contained added water and gum, substances that mayonnaise does not contain.

On December 10, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23854. Adulteration of rice. U. S. v. Arkansas Rice Co., Inc. Plea of nolo contendere. Fine, \$25. (F. & D. no. 31516. Sample no. 24570-A.)**

This case was based on an interstate shipment of rice, samples of which were found to contain weevils, beetles, larvae, and mouse excreta.

On May 16, 1934, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Arkansas Rice Co., Inc., Stuttgart, Ark., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 24, 1933, from the State of Arkansas into the State of Wisconsin, of a quantity of rice which was adulterated. The article was labeled in part: "Arkansas Rice Co., Inc., Stuttgart, Ark."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On November 6, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23855. Misbranding of olive oil. U. S. v. A. Russo & Co., and Nunzio Russo. Pleas of guilty. Fines, \$50. (F. & D. no. 31519. Sample nos. 45957-A, 45958-A, 32139-A, 32140-A.)**

Sample cans of olive oil taken from the shipments involved in this case were found to contain less than the declared volume.

On May 24, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against A. Russo & Co., a corporation, and Nunzio Russo, Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act as amended, on or about December 15, 1931, from the State of Illinois into the State of Pennsylvania, and on or about July 12, 1933, from the State of Illinois into the State of Wisconsin, of quantities of olive oil which was misbranded. The article was labeled in part: "One Gallon Net [or "Contents One-Half Gallon"] Diana Brand Superfine Olive Oil \* \* \* A Russo & Co. Sole Distributors Chicago, Ill."

The article was alleged to be misbranded in that the statements, "One Gallon Net" and "Contents One-Half Gallon", borne on the labels, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cans labeled "One-Gallon Net" contained less than 1 gallon, and those labeled "Contents One-Half Gallon" contained less than one half gallon. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On December 4, 1934, pleas of guilty were entered and the court imposed fines of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23856. Misbranding of bread. U. S. v. Kenneth J. McWilliams (Naborhood Dutch Bakeries). Plea of nolo contendere. Fine, \$25. (F. & D. no. 31524. Sample nos. 37144-A to 37148-A, incl.)**

This case was based on interstate shipments of bread which was labeled with an incorrect statement of the quantity of the contents, samples taken from all shipments having been found to weigh less than the declared weight.

On June 8, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Kenneth J. McWilliams, trading as Naborhood Dutch Bakeries, Spokane, Wash., alleging shipment by said defendant under the name of "Cambern" on or about June 12, 1933, from the State of Washington into the State of Idaho, of quantities of bread which was misbranded in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "McWilliams Genuine Dutch-Maid Sliced Wheat Bread \* \* \* Cambern Dutch Bakeries, Spokane, Wn \* \* \* One Pound." The remainder was labeled: "Cambern Superfine Bread \* \* \* One and One-Half pounds [or "One Pound"] Cambern Dutch Bakeries."

The article was alleged to be misbranded in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On September 4, 1934, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23857. Adulteration and misbranding of butter. U. S. v. William Rohler (R-K Creamery). Plea of guilty. Fine, \$25 and costs. (F. & D. no. 31532. Sample nos. 42839-A, 42841-A, 42842-A.)**

This case was based on interstate shipments of print butter that was adulterated, since it contained less than 80 percent by weight of milk fat and that was also misbranded, since the packages were not labeled with a statement of the quantity of the contents.

On April 28, 1934, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Rohler, trading as the R-K Creamery, Atchison, Kans., alleging shipment by said defendant in violation of the Food and Drugs